

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

PATTE JO WILSON,)
)
)
Plaintiff,)
)
v.) **Case No. CIV-20-202-SPS**
)
)
KILOLO KIJAKAZI,)
Acting Commissioner of the)
Social Security Administration,)
)
Defendant.)

**OPINION AND ORDER AWARDING
ATTORNEY'S FEES TO THE PLAINTIFF UNDER THE EAJA**

Plaintiff Patte Jo Wilson was the prevailing party in this action under the Social Security Act. Plaintiff's counsel seeks an award of attorney's fees in the amount of \$4,975.00, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), as well as reimbursement of costs in the amount of \$400.00. *See* Docket Nos. 22, 25. The Commissioner has no objection to the fee award or to the award of costs.

Upon review of the record herein, the Court finds that said amounts are reasonable and that the Commissioner should be ordered to pay them to the Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) ("Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]"); *see also Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) ("The EAJA therefore permits attorney's fees

reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that the Plaintiff’s Application for Reimbursement of Cost and/or Expenses Under the Equal Access to Justice Act and 28 U.S.C. § 1920 [Docket No. 22], in the amount of \$400.00, and the Application for Award of Attorney’s Fees Under the Equal Access to Justice Act [Docket No. 25], in the amount of \$4,975.00, are hereby granted and that the Government is hereby ordered to pay the above-referenced amounts to the Plaintiff as the prevailing party herein. IT IS FURTHER ORDERED that if the Plaintiff pays over the proceeds of this award to her attorney under some pre-existing agreement and the attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to the Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 17th day of December, 2021.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE